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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,006	11/19/2003	Ronald Alexander (Scot) Young	10710-01	8755

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EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,006

Applicant(s)

YOUNG, RONALD ALEXANDER
(SCOT)

Examiner

Randall Chin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-14 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-12, 14 and 16 of copending Application No. 10/864,961.

This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Specification

3. The disclosure is objected to because of the following informalities:

On p. 2, lines 19-21 should be clear as to exactly where the dirt receiving element 6 is located as the present language is confusing (see Fig. 2).

On p. , line 21, "in use" here makes the description awkward.

On p. 3, line 20, the addition of the term "residential" constitutes **new matter** and should be deleted.

Appropriate correction is required.

The abstract of the disclosure is objected to because on line 5, the phrase "in use" here is awkward. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 1, 4 and 13 are objected to because of the following informalities:

Claim 1, line 2, "on or in the container" is an alternative expression rendering the claims vague and indefinite since it is unclear what Applicant intends the claimed invention to be. The same objection holds for claim 18.

Claim 1, lines 4-7, it should be clear as to exactly where the dirt receiving element is located. In Fig. 2, the dirt receiving element 6 is located in the **first** compartment 4, however, the present claim language is confusing as to this matter.

Claim 1, line 5, this recitation of "in use" makes the claim awkward and confusing.

Claim 4, line 2, correct "the said".

Claim 13, line 3, "element or device" is awkward and deemed redundant.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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6. Claims 1, 2 and 6-13 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 03/065869 (hereinafter WO '869).

As well as claim 1 is understood, WO '869 discloses cleaning equipment comprising a container 10 for cleaning liquid (p. 3, line 27), a wringer 12 mounted on or in the container, a partition element (Figs. 2, 3 or 5 but not explicitly labeled) dividing the container into a first compartment 15 which, in use, receives liquid wrung out in the wringer and a second compartment 16 which, in use, receives cleaning liquid and a "dirt receiving element" which can be sump filter 22 (left side of Fig. 3) or filter element 20 (or 44) for receiving dirt settling from the cleaning liquid in use contained in the second compartment. The recitation of receiving cleaning liquid and "in use" is merely functional and merely would involve an intended use. Again, claim 1 is unclear as to where exactly this "dirt receiving element" is positioned.

As for claim 2, the partition element still has a part "defining" the base of the second compartment 16.

As for claim 6, the first and second compartments communicate with one another via the dirt receiving element 20 (p. 3, lines 28-29).

As for claim 7, to an extent, deflector 21 (Fig. 2) could also serve as the partition element which is clearly removable from the container to facilitate cleaning thereof.

As for claim 8, the form and structure of the dirt receiving element 20 (or 44) is deemed a three-dimensional fibrous mesh structure (Figs. 6-11).

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As for claim 9, the dirt receiving 20 (or 44) element comprises a mat or pad of superposed mesh layers (Figs. 6, 7, 9 or 10). Grilles (or mesh) 52 can be seen in cross-section in Fig. 7.

As for claim 10, the dirt receiving element (alternative filter arrangement shown in Figs. 9 and 10) teaches use of felt filter 74 which is a non-woven unitary mesh comprising a "jumble" interlocking fibers.

As for claim 11, the dirt receiving element 20 (or 44) is deemed a reusable unit which can be replaced in the container after removal (p. 1, line 31) therefrom and washing out of the collected dirt.

As for claim 12, the wringer is a basket-type wringer (Fig. 2).

As for claim 13, the container is also a cleaning bucket "for use with a hand-held cleaning element or device" (merely a functional recitation).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '869 in view of Koontz '041.

WO '869 teaches all of the recited subject matter as recited above with the exception of the container being transparent. Koontz '041 teaches cleaning equipment

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including a wringer (col. 1, lines 15-23) wherein a barrel or container A is transparent (col. 2, lines 35-39). It would have been obvious to one of ordinary skill in the art to have modified the WO '869 container such that it is transparent as taught by Koontz '041 in order to more readily view the liquid level therein and for replacement/cleaning purposes.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2 323 776 (hereinafter GB '776).

As well as claim 1 is understood, GB '776 discloses cleaning equipment comprising a container for cleaning liquid, a squeezer or wringer 3 mounted on or in the container, a partition element 4 dividing the container into a first compartment 11 which, in use, receives liquid wrung out in the wringer and a second compartment 9 which, in use, receives cleaning liquid and a "dirt receiving element" defined by filter 14 for receiving dirt settling from the cleaning liquid in use contained in the second compartment. The recitation of receiving cleaning liquid and "in use" is merely functional and merely would involve an intended use. Again, claim 1 is unclear as to where exactly this "dirt receiving element" is positioned.

As for claim 2, the partition element 4 still has a part "defining" the "base" of the second compartment 9 in a broad regional sense.

As for claim 3, said part of the partition element 4 is apertured at 7 (see Fig. 1)

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As for claim 4, the dirt receiving element is located below an apertured part 10 of the partition element.

As for claim 5, the dirt receiving element 14 is deemed secured to the underside of the said apertured part of the partition element as shown in Fig. 1.

As for claim 6, the first and second compartments communicate with one another via the dirt receiving element 14.

As for claim 12, the wringer is a basket-type wringer.

As for claim 13, the container is also a cleaning bucket "for use with a hand-held cleaning element or device" (merely a functional recitation).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to GB '691, Rousey, Marston, Sorrells, Evrard, Young, and Brennan are relevant to various mop wringer and mop container arrangements.

11. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

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If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744